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AGILENT TECHNOLOGIES, INC.  
Legal Department, DL429  
Intellectual Property Administration  
P. O. Box 7599  
Loveland, Colorado 80537-0599

1639  
PATENT APPLICATION

ATTORNEY DOCKET NO. 10011370-1

IN THE  
UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): Daniel B. Roitman

Serial No.: 10/072,837

Filing Date: 02-06-2002

Title: METHODS FOR MAKING MICROBAR ENCODERS FOR BIOPROBES

Examiner: Jon D. Epperson

Group Art Unit: 1639

COMMISSIONER FOR PATENTS  
PO Box 1450  
Alexandria, VA 22313-1450

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NOV 28 2003

TECH CENTER 1600/2900

TRANSMITTAL LETTER FOR RESPONSE/AMENDMENT

Sir:

Transmitted herewith is/are the following in the above-identified application:

- (X) Response/Amendment ( ) Petition to extend time to respond  
( ) New fee as calculated below ( ) Supplemental Declaration  
(X) No additional fee (Address envelope to "Mail stop Non-Fee Amendments")  
( ) Other: (fee \$ )

CLAIMS AS AMENDED BY OTHER THAN A SMALL ENTITY						
(1) FOR	(2) CLAIMS REMAINING AFTER AMENDMENT	(3) NUMBER EXTRA	(4) HIGHEST NUMBER PREVIOUSLY PAID FOR	(5) PRESENT EXTRA	(6) RATE	(7) ADDITIONAL FEES
TOTAL CLAIMS		MINUS		= 0	X \$18	\$ 0
INDEP. CLAIMS		MINUS		= 0	X \$86	\$ 0
[ ] FIRST PRESENTATION OF A MULTIPLE DEPENDENT CLAIM					+ \$290	\$ 0
EXTENSION FEE	1ST MONTH \$110.00	2ND MONTH \$420.00	3RD MONTH \$950.00	4TH MONTH \$1480.00		\$ 0
OTHER FEES						\$
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT						\$ 0

Charge \$ 0 to Deposit Account 50-1078. At any time during the pendency of this application, please charge any fees required or credit any overpayment to Deposit Account 50-1078 pursuant to 37 CFR 1.25. Additionally please charge any fees to Deposit Account 50-1078 under 37 CFR 1.16, 1.17, 1.19, 1.20 and 1.21.

"Express Mail" label no. EV333998755US

Date of Deposit 11-18-2003

I hereby certify that this is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to: Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450.

By

Typed Name: Donna Macedo

Respectfully submitted,

Daniel B. Roitman

By

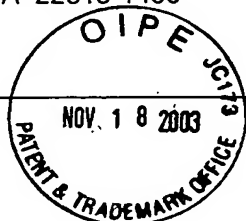
Br t Field for Timothy Joyce

Attorney/Agent for Applicant(s)

Reg. No. 37,620

Date: 11-18-2003

<b>RESPONSE TO RESTRICTION REQUIREMENT</b>  Address to: Commissioner for Patents P.O. Box 1450 Arlington VA 22313-1450	Attorney Docket Confirmation No.	10011370-1
	First Named Inventor	Daniel B. Roitman
	Application Number	10/072,837
	Filing Date	February 6, 2002
	Group Art Unit	1639
	Examiner Name	Jon D. Epperson
	Title	Methods for Making Microbar Encoders for Bioprobes



Dear Sir:

This communication is responsive to the office communication dated October 29, 2003.

In the above referenced office communication, the Examiner imposed a restriction requirement, requiring the election of the claims of either:

Group I, i.e., 1-20; or  
 Group II, i.e., Claims 21-25;

for further prosecution in this application.

The Applicants hereby elect Group I with traverse.

In addition, the Examiner imposed an election of species requirement. In response, the Applicants' elect the following species for searching purposes:

Subgroup 1: 3 polymeric quantum dot transduction layers of red-yellow-blue as disclosed on page 20, line 13;

Subgroup 2: the detectable signal is light in the visible range;

Subgroup 3: plasma etching detachment as described on page 23, line 3;

Subgroup 4: removable layer is aluminum oxide;

Subgroup 5: deposition is by spin coating, as described in relation to Figure 2;

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Subgroup 6: Transducing material is quantum dots, with green being CdSe core; Red being MgS core and Yellow being CaTe core;

Subgroup 7: The target molecule is a nucleic acid;

Subgroup 8: The polymeric matrix is siloxane;

Subgroup 9: Division is by photolithography;

Subgroup 10: Probe is a nucleic acid; and

Subgroup 11: The linker is biotin.

The claims that read upon the elected species are:

1, 2, 3, 5, 7, 8, 9, 10, 13, 16, 17, 18 and 19.

The Commissioner is hereby authorized to charge any underpayment of fees associated with this communication, including any necessary fees for extensions of time, or credit any overpayment to Deposit Account No. 50-1078.

Respectfully submitted,

BOZICEVIC, FIELD & FRANCIS LLP

Date: 11.18.03

By: 

Bret E. Field  
Registration No. 37,620

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